

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

United States District Court
Southern District of Texas
FILED

SEP 22 2003

LUIS ALEJANDRO GARZA

*

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VS.

*

CIVIL ACTION NO. B-02-154

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FEDERAL TORT CLAIMS ACT

THE UNITED STATES OF
AMERICA

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*

Michael N. Milby
Clerk of Court

**PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST AMENDED
COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Luis Alejandro Garza, Plaintiff in the above-entitled and numbered cause, and moves this court for leave to amend his Original Complaint and in support thereof would respectfully show as follows:

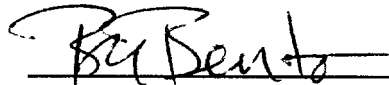
1.

Plaintiff filed his complaint before he had the opportunity to obtain documents and information in discovery to more fully understand his claim. Now that he has obtained some information in the discovery process, Plaintiff wishes to amend his complaint to be more specific in his allegations.

2.

Attached hereto as Exhibit 1 is Plaintiff's proposed Plaintiff's proposed First Amended Complaint which he asks to file with the court.


Respectfully submitted,



Barry R. Benton
284 Ebony Avenue
Brownsville, Texas 78520
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Federal I.D. No. 3968
ATTORNEY IN CHARGE FOR
PLAINTIFF

CERTIFICATE OF CONFERENCE

I, Barry R. Benton, attorney for Plaintiff, have conferred with Defendant's counsel, the Honorable Nancy L. Masso, Assistant United States Attorney, and she has indicated that she is opposed to this motion.



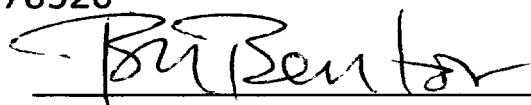
Barry R. Benton

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of September, 2003, the foregoing Plaintiff's First Amended Original Complaint was hand-delivered to counsel of record, to wit:

Ms. Nancy L. Masso
United States Assistant Attorney
600 E. Harrison Ave., No. 201
Brownsville, Texas 78520

Hand Delivery



Barry R. Benton